

REMARKS

Claims 1-41 are pending in this application. Claims 1, 2, 4-23 and 26-41 stand rejected. Claims 24 and 25 are objected to and claim 3 is allowed. By this amendment, claims 1, 2, 6, 7, 11-13, 27, and 30 have been amended. The amendments made to the claims do not alter the scope of these claims nor have the amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, applicants respectfully submit that each of the pending claims is in immediately condition for allowance.

Claims 1 and 26 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement because the Examiner asserts that "meeting the shortage of combined codes" is not described in this specification. Applicants respectfully disagree because there is description in the specification, specifically at page 7, line 7 *et seq.* to support claim 1. However, Applicants have amended claim 1 to improve its clarity rendering the rejection moot, therefore, Applicants request that this rejection be withdrawn.

Claims 11-13 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, for lacking proper antecedent basis in those claims. Applicants have amended the claims in light of the rejection and request reconsideration and withdrawal of the rejection.

Claims 6, 7, and 10 stand rejected under 35 U.S.C. § 112, second paragraph, for using the phrase “use-frequency” and “commonly used control signal”. Applicants have amended claims 6 to overcome the rejection. With respect to the objection to “commonly used control signal”, this phrase refers to the pilot signal used in CDMA systems. As such, Applicants request the Examiner withdraw the objections to these claims.

Claims 2, 4, 5, 8-10, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,041,034 (“Fukumasa”) in view of U.S. Patent No. 6,452,912 (“Leem”). Applicants respectfully traverse rejection.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See M.P.E.P. § 706.02(j).

Among the limitations of claim 2 not shown in the prior art is said first codes being orthogonal codes and said second codes are scramble codes. Applicants combined codes are generated by multiplying the orthogonal codes by one of the scramble codes. Then, the combined codes are allocated to the mobile stations, in other words, the combined codes are allocated to the spread spectrum signal to the mobile stations. The Office Action fails to point out where

this expressly recited feature is disclosed in Fukumasa. In Fukumasa, the first code is an orthogonal code while the second code is the inverse of the orthogonal code. In Fukumasa, Gold codes are not used because it is a problem that synchronous acquisition properties are deteriorated due to auto-correlation properties. Therefore Fukumasa proposes a different code structure to provide a radio communication system in which spreading codes are obtained by the code structure method. See, column 4, lines 17-24. Thus, the codes in Fukumasa are not like those expressly recited in Applicants' claims.

The Office Action includes Leem, not to disclose the above recited limitation but to disclose a mobile communication system that stores information (codes) in memory wherein the stored codes are assigned priority with respect to the measured power level values. Whether or not Leem discloses this limitation is irrelevant as it does not cure the deficiency in Fukumasa discussed above. Thus, claim 2 is allowable over the cited references.

Claims 4-25, 27, and 28 depend from, and contain all the limitations of claim 2. These dependent claims also recite additional limitations which, in combination with the limitations of claim 2, are neither disclosed nor suggested by the cited references and are also directed towards patentable subject matter. Thus, claims 4-25, 27, and 28 should also be allowed.

Applicants have responded to all of the rejections and objections recited in the Office reconsideration and Notice of Allowance for all of the pending claims is therefore respectfully requested.

The amendments to the claims are for clarification purposes only and are not intended to limit the scope of the claims in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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